

## **REMARKS**

Favorable consideration and allowance of the application are respectfully requested. Claims 1-11 were in this application, claims 1 and 11 have been amended. Claims 6-10 were previously withdrawn in response to a restriction requirement. Claim 6 has been amended to more closely conform to the limitations of claim 1, for possible return to the application by rejoinder.

Claims 1 and 11 have been amended solely to clarify that the crosswise cutting occurs while the presser elements are pressing the side portions. There was language to this effect, as claims 1 and 11 both required "crosswise cutting an area of said band of plastic film (6) situated between the pressed side portions (19A, 19B) of the transversal zones of glue (19)". It was thought that this was clear in that the portions are only "pressed" when the presser elements are acting on them. To avoid any confusion on this point, claims 1 and 11 have been amended to adopt the examiners' language to the effect of "cutting while pressing".

Entry of the amendment to claims 1 and 11 is proper in accordance with MPEP 714.12:

"Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b)"

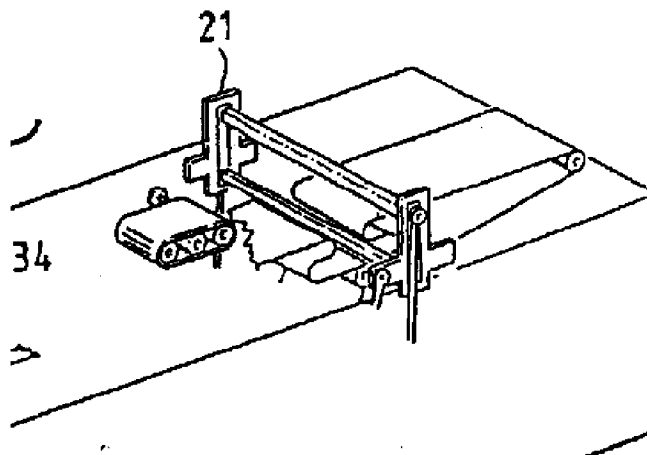
As this is a clarifying amendment, and one that does not alter the scope of the claims as previously presented, entry is requested as placing the application in condition for allowance, as will be discussed further below.

Claims 1-5 and 11 were again rejected under 35 USC 103(a) as being

obvious over Ballestrazzi, EP 526944 A1 ("EP '944").

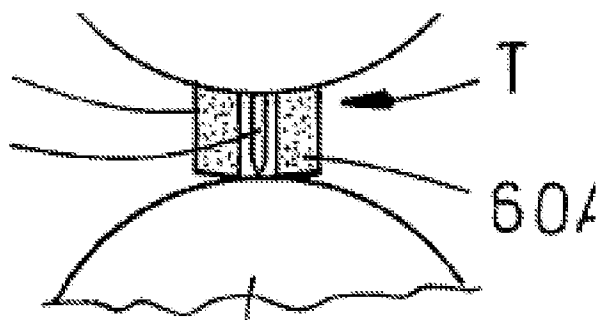
In the Final Rejection, the examiner discounted the arguments made because the claims allegedly did not specifically recite "cutting while pressing" both side portions. To avoid any ambiguity, claims 1 and 11 now literally include this language.

Ballestrazzi clearly does not render the invention obvious, as Ballestrazzi uses a cutting element 21 "comprising a transverse blade which by moving vertically with reciprocating motion", i.e., an up/down chopping motion, separates the individual packages. (Col. 2, l. 40-45) As shown in the drawing, no presser elements are provided for pressing any side portions adjacent the area to be cut, as required by claims 1 and 11.



While Ballestrazzi uses the term "and the like" relative to "packaging paper", one skilled in the art would be quite familiar with the significant property differences between materials similar to packaging paper, and a thin, flexible plastic film. Such a person would understand that such a cutter could not predictably be used with thin, flexible plastic films.

This is similar to the differences in using ordinary thin film plastic wrap as opposed to, for example, wax paper or even aluminium foil. These are not "like" materials, though they can be used to perform a wrapping function.



While it may be known to apply a pressing action over the overlapped edges of the band in order to avoid the presence of wrinkles during folding and bonding, the applicant has noted that wrinkling can occur during cutting of the transversal zones of glue, as a blade passes over the band of plastic film. Wrinkles formed during cutting can seriously affect the bonding action of the glue in the transversal zones of the band.

The applicant has found that, as reported in the description and shown in figure 3B, a specific combined pressing-cutting step can be performed by *"pressing the side portions (19A, 19B) of the transversal zones of glue (19) for stabilizing the crosswise joining of the side portions (19A, 19B) and, at the same time, crosswise cutting said band of plastic film (6) between the pressed side portions (19A, 19B) of the transversal zones of glue (19), in order to obtain single packages of articles"*. Note in Fig. 3B, the blade tip is on the same circumference as the presser elements, so that the blade cuts at the same time that the side portions are pressed.

The provision of two presser elements (60A, 60B) and of the cutting blade (50) disposed therebetween has the effect that the side portions (19A, 19B) of the transversal zones of glue, which are to be separated, and which will form the side edges of the finished packages, are maintained pressed by the two presser elements (19, 19B) as the cutting blade cuts the band in the middle of the zone (19).

Ballestrazzi is silent about the possibility of performing, at the same time and contemporaneously, a pressing-cutting action over the transversal zones of glue of the paper material after the band of the paper material has been folded over the articles.

Thus, in Ballestrazzi, there is no disclosure concerning executing a pressing action over the side portions of the transversal zones of glue and at the same time maintaining the pressing action, so as to complete a crosswise cutting action over a specific area of the band of film situated between the pressed side portions, and claims 1, 11 and the claims depending therefrom are not rendered obvious thereby.

Claims 1-5 and 11 were alternatively rejected as being obvious over the combination of Ballestrazzi in view of Nack, U.S. Patent no. 4,102,111.

The discussion relative to Ballestrazzi above is equally applicable to this rejection, and is incorporated here.

Nack (US 4.102.111) was cited as disclosing a wrapping machine in which a continuously moving web strip is formed into a tube of thermoplastic material, into which a file of longitudinally spaced articles are inserted.

Nack describes tucking devices, cooperating with a separate cutting mechanism, creating folds at the ends of the packages. The tucking devices are best seen in figures 5 and 6.

The elements "96, 98" are the fingers of two tucking devices (62, 64) which are synchronously rotated so that the opposed side portions of a web

tube are engaged at substantially the same moment as engagement is made by jaws 56 and 58 (col. 4, l.11-15). The tuckers (62, 64) are preferably made of a flat plate which is formed to provide laterally spaced projecting fingers (96) and (98) (col. 4, l. 40-42).

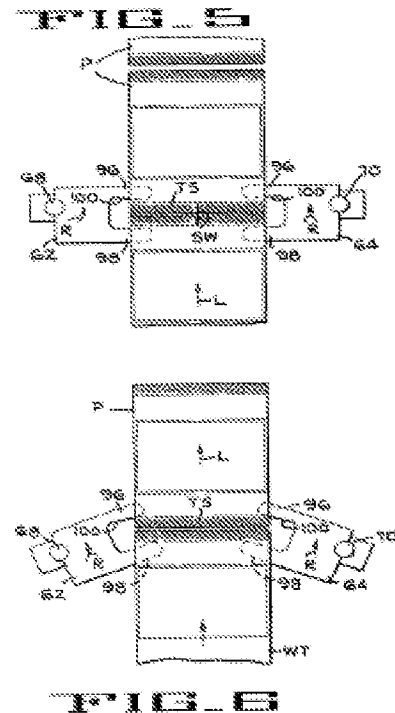
The minimum spacing between the fingers is slightly greater than the width (SW) of the seal pattern and it will be seen that it extends for the entire lateral dimension of the web tube (WT).

With reference to figure 5, it will be observed that when the tuckers (62, 64) have reached the limit of their inward travel the pairs of tucking fingers (96, 98) straddle or are on either side of the transverse seal (TS) and are contiguous and partially coextensive with the seal (TS). (col. 4, l. 43-51).

The web tube moves at a constant rate in the direction of the arrows L and the tucking fingers are rotated in the direction of the arrow R at an angular velocity such that the top speed of the fingers (96, 98) match or substantially match the velocity of the web tube. The tucking fingers (as shown in figure 6) assume the relative position after tucking, sealing and severing has occurred (col. 4, l. 54-61).

Nack states that the fingers have to be made as long as possible and that the lateral spacing therebetween should be equal to or substantially equal to the width of the seal, as retraction or removal of the tucking fingers would disturb and possibly destroy the integrity of the seal. (col. 4, l. 62-67).

It is therefore necessary to limit the inward travel of the tucking fingers (96, 98) to space them apart a distance greater than the width of the seal



pattern (i.e. beyond the area of bonding, as illustrated in Figs. 6 and 7), so that as the tucking fingers are withdrawn, interference with the seal is prevented or minimized.

According to Nack, the tucking fingers (96, 98) of the respective tuckers (62) and (64) are formed with a trailing edge (100) which is undercut or tapered to minimize or prevent interference with the seals. (col. 4, l. 67-col. 5, l. 8).

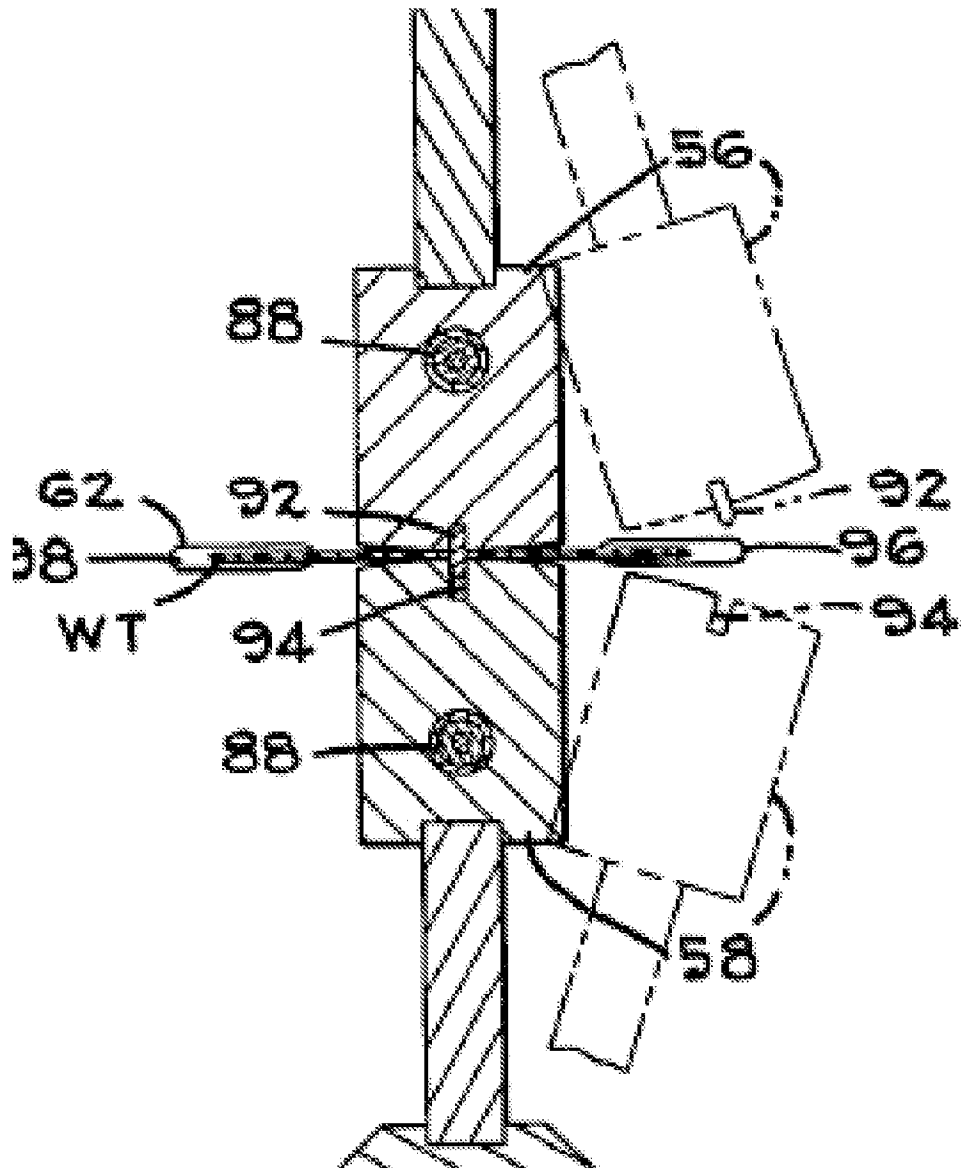
Nack consequently leads completely away from the present invention which provides a pressing action over the side portions of the transversal zones of glue (19) and a concurrent cutting action of a specific band area located between the pressed side portions.

The tucking fingers of Nack do not "act" over the side portions of the transversal zones of glue to press them, but rather act on the opposite lateral edge sides of the web tube, in order to tuck inwardly the side portions of the web tube to define creases (see col. 1, l. 41-51).

Nack explicitly constructs the tucking fingers to avoid any interference with the side portions of the seals, and so the fingers do not press these side portions, nor could they hold the side portions during cutting.

Moreover, in Nack, a transversal severing of the band is completed by a piercing knife (92) which penetrates through the band in a region which is not maintained under pressure by any presser elements pressing over the side portions of the transversal zones of glue.

The jaws (56, 58) cited by examiner do not act over the side portions of the transversal zones of glue in order to execute a pressing action over the side portions. This is evident from figure 7.



The upper jaw (56) has a radially extending knife (92) for chopping into the flat part of the band located between the blisters. This knife extends in a forward direction, well away from the jaw surface. Note that there are no presser elements provided on either side, so as the jaws (56, 58) pass from the configuration shown in dotted line to the configuration in which the upper jaw (56) is in vertical alignment with the lower jaw (58), one side on the jaw may contact the band nearly at the same time as the knife tip begins to pierce the band, that is, well before any contact between the jaw and the trailing edge of the band.

It would be impossible to perform a concurrent pressing action over both side portions during cutting, and so there can be no cutting while pressing both side portions, as required by the applicants' invention.

In fact, the angular rotation of this knife shows that the extending knife pierces the band well before the jaws reach the true vertical orientation, as the knife is received in the recess shown in the lower jaw, so it would be impossible to apply pressure to both sides during the cutting action.

Consequently, combining Nack with Ballestrazzi does not lead one to the applicants invention, and rather leads one away, as neither cited patent indicates that such "cutting while pressing" is either necessary or desirable.

Consequently, claims 1, 11 and the claims depending therefrom are not rendered obvious by Ballestrazzi in view of Nack.

Should claim 1 be considered in condition for allowance, rejoinder of claims 6-10 is respectfully requested, as claim 6 has been amended to substantially track the limitations of amended claim 1.



Based on the above amendment and remarks, reconsideration and removal of the grounds for rejection are respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,  
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